

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
(WHEELING DIVISION)

JOHN LONGWELL  
901 WARWOOD AVENUE  
WHEELING, WV 26003/

JOHN D. LONGWELL  
100 MIDDLECREEK RD.  
TRIADDELPHIA, WV 26059,

VILLAGE OF SHADYSIDE, OHIO  
50 EAST THIRTY-NINTH STREET  
SHADYSIDE, OH 43947,

ROBERT NEWHART, MAYOR  
50 EAST THIRTY-NINTH STREET  
SHADYSIDE, OH 43947,

THOMAS RYNCARZ, SOLICITOR  
EAST THIRTY-NINTH STREET  
SHADYSIDE, OH 43947,  
(individually, and  
collectively),

Plaintiff(s),

vs.

CAROL GIVENS  
P.O. BOX 117  
BELLAIRE, OH 43906,

GREG GIVENS  
P.O. BOX 117  
BELLAIRE, OH 43906,

Defendant(s).

) Case No: 5:23-cv-11  
)  
) Judge: Bailey  
) Magistrate:

) NOTICE OF REMOVAL  
) FROM STATE COURT ACTION

) FEDERAL QUESTION  
) (AND DIVERISTY ISSUE)

) (JURY DEMAND)

FILED

JAN 13 2023

U.S. DISTRICT COURT-WVND  
WHEELING, WV 26003

**NOTICE OF REMOVAL**

Defendant(s) CAROL GIVENS, GREG GIVENS, ("GIVENS") hereby  
removes Case No. 22-CV-0356 from the Common Pleas Court for  
Belmont County, Ohio, to the United States District Court  
for the Northern District of West Virginia, arising under the

1 Constitution of the United States, law and treaty, and  
2 pursuant to 28 United States Code §1331, §1343, §1391,  
3 exceeding \$75,000.00, as part of the Plaintiff's Complaint;  
and Counter-claim.

4 Supplemental jurisdiction is asserted, and subject to  
5 Title 18 U.S.C. §§241,242; and 245; and Title 28 United  
6 States Code §1343(a)(1), §1343(a)(2), §1343(a)(3) and  
7 §1343(a)(4); Title 28 United States Code §2201, §2202; Title  
8 28 U.S.C. §1443(1), et seq., [646, 62 Stat. 938]; (Pub.L.  
9 91-452, 84 Stat.922), enacted by section 901(a), codified,  
10 Title 18 United States Code §1961-1968; Public Law 91-452;  
adopting additional state offenses under similar pattern,  
and Title 28 United States Code §1367, state law claims.  
11 Venue of this Action is proper under Title 28 United States  
Code 1391(b).

12 This Action is brought for damages and other appropriate  
13 and statutory relief, in addition to 42 United States Code  
14 §1983, et seq. for violation of GIVENS civil rights, false  
claim arrest, abuse of power and position, in addition to  
15 malicious prosecution, and other relief under color of state  
law, and conspiracy; 42 United States Code §1985, et seq.,  
16 and by design to prohibit invidious discrimination, and for  
17 other appropriate relief from Defendant(s) that have caused  
Plaintiff to unjustly, and continually, to suffer;  
18 suppression of Federal and State Constitutional rights, in  
19 addition to preliminary and permanent injunction against  
Defendant(s); Plaintiff further asserts Federal protections  
20 under applicable statute by *Chilling Effect*, and/or as an  
21 employee/former employee of the United States government.

1 *Qui Tam (31 USC 3729 (a), et seq.) (qui tam pro domino rege*  
2 *quam pro se ipso in hac parte sequitur).*

3 Defendant asserts 28 U.S.C. §§ 1331, 1332, 1441, and 1446,  
4 and as grounds for its removal, and states as follows:

- 5 1. On December 27, 2022, Plaintiff(s) JOHN LONGWELL, VILLAGE OF  
6 SHADYSIDE, ROBERT NEWHART, THOMAS RYNCARZ, filed a Complaint  
7 in the Common Pleas Court, Belmont County, Ohio, styled: "In  
8 The Common Pleas Court, Belmont County, Ohio, "Case No. 22 CV  
9 356". A copy of the Complaint, complete with the lower court  
10 record, is attached as Exhibit "A", hereto.
- 11 2. GIVENS was served with the summons and Complaint on December  
12 30, 2022, by U.S. Mail.
- 13 3. This Action is for personal injuries and economic damages and  
14 other relief sought by the Plaintiff(s) and the Defendant(s)  
15 have suffered by acts or omissions of the Plaintiff as a  
16 direct and proximate result of the Plaintiff, JOHN LONGWELL.

17 DESIGNATED PARTIES, JURISDICTION, AND VENUE

- 18 4. This Court has subject matter jurisdiction pursuant to 28  
19 U.S.C. §1332(a)(1) because this case is a civil action where  
20 the matter in controversy exceeds the sum or value of \$75,000,  
21 exclusive of interest and costs, and is between citizens of  
different States. Venue is properly set in this District  
pursuant to 28 U.S.C. §1391(b) since Plaintiff(s), and  
Plaintiff(s) counsel, transact business within this judicial  
district. Likewise, Plaintiff LONGWELL is a substantial part  
of the parties action, giving rise to the claims affecting  
the Plaintiff(s) and Defendant(s) within this judicial

1 district. Consistent with the Due Process Clause of the Fifth  
2 and Fourteenth Amendments, the Court has personal jurisdiction  
3 over the parties, because they are present in the State of  
4 West Virginia, such that requiring an appearance does not  
5 offend traditional notions of fair play and substantial  
6 justice. Further, Defendants have maintained registered  
7 agents in the State of West Virginia. This court has personal  
8 jurisdiction over Defendants pursuant to and consistent with  
9 the Constitutional requirements of Due Process in that  
10 Defendants, acting through their agents or apparent agents,  
11 and committed one or more of the following: a. The transaction  
12 of any business within the state; b. The making of any contract  
13 within the state; c. The commission of a tortious act within  
14 this state; and d. The claim of ownership, use, or possession  
15 of any real estate of a party situated within this state.  
16 Requiring Defendants to litigate these claims in West Virginia  
17 does not offend traditional notions of fair play and  
18 substantial justice and is permitted by the United States  
19 Constitution. All of Plaintiff's claims arise in part from  
20 conduct Plaintiffs purposefully directed around JOHN  
21 LONGWELL, a permanent resident of state of West Virginia, and  
the Defendants diversely residing in Ohio.

5. The Complaint also purports to assert one or more cause(s) of  
action purporting declaratory and/or injunctive relief that  
affect citizens in all 50 states of the United States,  
including West Virginia, Plaintiff JOHN LONGWELL RESIDES.  
Plaintiff(s) claim(s) are based on the contention that GIVENS  
owes a debt to pursue his right to appeal, and/or file petition  
within the Unites States District Court, West Virginia, as  
well as others, in violation of Federal and state law.

1 6. Plaintiff(s) purports to bring each of their claims on behalf  
2 of themselves, as well as a putative class.

3 7. The relief Plaintiff(s) seek on behalf of themselves, and the  
4 putative class, representing a number of "capacity" clients,  
5 includes *inter alia*: (a) declaratory damages for themselves in  
6 an unspecified amount, (b) compensatory damages for the  
7 putative class of [currently tolling speedily upwards,  
8 beginning in the amount of] "\$6,272.65", subject to additional  
9 costs, subject to amendment; (c) punishment, which amounts to  
10 unusual, and branding of the Defendant, forever.

11 8. This case arises under Constitutional and Statutory Grounds  
12 for Federal Question Jurisdiction 1). The Constitution and 28  
13 U.S.C. §1332 vest federal courts with jurisdiction to hear  
14 cases that "arise under" federal law. The Constitution vests  
15 federal courts with the authority to hear cases "arising under  
16 th[e] Constitution [or] the Laws of the United States." U.S.  
17 Const. art III, § 2). Congress vests federal district courts  
18 with subject-matter jurisdiction over cases involving  
19 questions of federal law: "The district courts shall have  
20 original jurisdiction of all civil actions arising under the  
21 Constitution, laws, or treaties of the United States." 28  
U.S.C. § 1331. *Ibid. Sic passim.*

9. Plaintiff(s) LONGWELL resides in WHEELING, WEST VIRGINIA, and  
in TRIADEPHIA, WEST VIRGINIA, others alleged that they are  
legally domiciled in the State of Ohio.

10. Defendant(s), CAROL GIVENS AND GREG GIVENS, ("GIVENS") resides as a citizen in Shadyside, Ohio, and seeks Diversity in this Action, and is a natural born citizen of the United States, whose legal mailing address is P.O. Box 117, Bellaire, Ohio 43906.

11. Plaintiff(s) in this Action request compensatory damages, and the Defendants) CAROL GIVENS, GREG GIVENS, be designated by this court as a vexatious litigator, and that the court place all restrictions on Defendant permitted by law, for an indefinite period of time; and that this court notify the Supreme Court and the Courts of Appeals, and all other Courts of all designation; and for such further relief as this court deems just and proper. The purported unpaid balance against Defendant is currently \$6,272.65, and the injunctive relief tolls in excess of \$75,000.00, which would effectively preclude GIVENS from exercising his Federal inalienable Constitutional and states rights from ever asserting a First Amendment petition with the government ever again, and the Plaintiff(s)/Defendant recoverable amounts well over \$75,000.00. in controversy and the jurisdictional threshold under 28 U.S.C. §1332(a) is satisfied.

12. Plaintiff(s) also assert that the putative class, as defined under stature.

13. Most importantly, Plaintiff(s) seek a permanent injunction to "place all restrictions on... GREG P. GIVENS", AND "for an indefinite period of time"; The purported balance(s) of Defendant accruing have exceeding Thousands of Dollars in a month, and so.

ALL PROCEDURAL REQUIREMENTS  
FOR REMOVAL HAVE BEEN SATISFIED

14. Pursuant to 28 U.S.C. §1446(a) and Local Rule, a true and complete copy of all of the process, pleadings, orders, and documents from the State Court Action which have been served upon GIVENS are being filed with this Notice of Removal. GIVENS will file true and complete legal copies of all other documents on file in the State Court Action, as well as a certification pursuant to Rule, within thirty (30) days of the filing of this Notice of Removal.

15. This Notice of Removal has been filed within thirty (30) days of the date that GIVENS was served with the summons or the Complaint in this matter. Removal is therefore timely in accordance with 28 U.S.C. §1446(b).

16. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(b) because the United States District Court for the Norther District of West Virginia is the federal judicial district embracing Federal Statute over the Common Pleas Court of Belmont County, Ohio where the State Court Action was originally filed.

CONCLUSION

17. By this Notice of Removal, GIVENS does not waive any objections it may have as to service, jurisdiction or venue, or any other defenses or objections it may have to this action. GIVENS intend no admission of fact, law or liability by this Notice, and expressly reserves all defenses, counterclaims, motions and/or pleas.

PRAYER AND SIGNATURE

Defendant, CAROL GIVENS, GREG GIVENS. prays and respectfully petitions this Court with Notice of Removal for the reason(s) stated herein, and in the attached true Affidavit/Affirmation, and respectfully submits Notice of Removal.

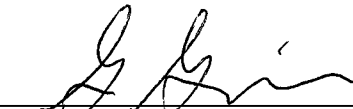
And For these reasons set forth above and relief sought, this petition for an appropriate RELIEF be granted.

Respectfully submitted,



CAROL GIVENS,  
Pro se, Defendant

Respectfully submitted,



GREG GIVENS,  
Pro se, Defendant

Dated: January 12, 2023.

Attachment



**AFFIRMATION**

I, **CAROL GIVENS**, who duly affirms and deposes that:

**I.**

I am pro se party of record for CAROL GIVENS, Real Party In Interest in this case. I am over 21 years of age and am competent to make this affidavit. I have prepared/read the foregoing Pleading/Petition/Motion/Memorandum to which this verification is attached, which is filed on behalf of CAROL GIVENS, and every factual statement contained in this Pleading/Petition/Motion/Memorandum is within my personal knowledge and is true and correct under penalty of perjury.

**II.**

This Pleading/Petition/Motion/Memorandum, and if any appendage, is by personal knowledge that the documents contained in the appendage are true and correct copies.

**Further, Affiant sayeth not.**

**AFFIRMED,**

In the County of Belmont, this 12  
of January, 2023

)  
)  
)  
)  
)

By: Carol Givens  
**CAROL GIVENS, Affiant**

**AFFIRMATION**

I, **GREG GIVENS**, who duly affirms and deposes that:

**I.**

I am pro se party of record for GREG GIVENS, Real Party In Interest in this case. I am over 21 years of age and am competent to make this affidavit. I have prepared/read the foregoing Pleading/Petition/Motion/Memorandum to which this verification is attached, which is filed on behalf of GREG GIVENS, and every factual statement contained in this Pleading/Petition/Motion/Memorandum is within my personal knowledge and is true and correct under penalty of perjury.

**II.**

This Pleading/Petition/Motion/Memorandum, and if any appendage, is by personal knowledge that the documents contained in the appendage are true and correct copies.

**Further, Affiant sayeth not.**

**AFFIRMED,**  
In the County of BELMONT, this 12  
of JANUARY, 2023.

By: 

**GREG GIVENS, Affiant**

**CERTIFICATE OF SERVICE**

*This is to hereby certify that on this Twelfth Day of January, 2023, the foregoing ANSWER and COUNTER-CLAIM, with any attachment(s)/exhibit(s), filed with the Office of the Clerk, United States District Court, 1125 Chapline Street, P.O. Box 471, Wheeling, WV 26003, according to Rule to all participants, party(ies) of record:*

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*Attorney(s) for PLAINTIFF(S): JOHN LONGWELL, VILLAGE OF SHADYSIDE, OHIO,  
ROBERT NEWHART, MAYOR, THOMAS RYNCARZ, SOLICITOR.*

DEFENDANT(S):  
Respectfully submitted,

Respectfully submitted,



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